

United States District Court
Northern District of New York

Lawrence K. Baerman
Clerk
(315) 234-8507

100 S. Clinton Street
P.O. Box 7367
Syracuse, N.Y. 13261-7367

05 11446 GAO

Clerk of the Court
United States District Court
District of Massachusetts
595 Main Street
Worcester, Massachusetts 01608

June 30, 2005

MAGISTRATE JUDGE Alexander

Re: **Martinez v. Commonwealth of Massachusetts, et al**
NDNY Case #: **8:05-CV-687 (GLS)**

Dear Clerk:

Please be advised that pursuant to the Transfer Order dated 6/30/05 the enclosed action is hereby transferred to the District of Massachusetts.

Pursuant to the transfer the parties are advised that all filings and inquiries should be made with that Court (address listed above) in accordance its rules and procedures.

Please acknowledge receipt of this transfer file (containing the original case documents) and letter by returning a date stamped copy of this letter with your case number included in the enclosed self addressed envelope.

Respectfully,

Lawrence K. Baerman, Clerk



Joanne Bleskoski, Deputy Clerk

cc: **Mr. Martinez, pro se**
NDNY file

4

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

IVAN MARTINEZ,

Plaintiff,

-v.-

8:05-CV-0687
(GLS)(RFT)COMMONWEALTH OF MASSACHUSETTS CITY OF
LOWELL; MIDDLESEX COUNTY; LOWELL POLICE
DEPARTMENT; CAMBRIDGE DETENTION HOLDING
CENTER; PLYMOUTH DETENTION HOLDING CENTER,

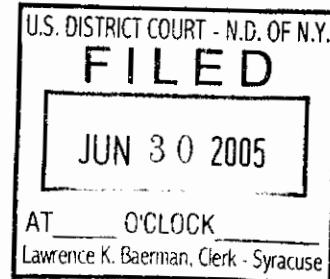
Defendants.

APPEARANCES:

IVAN MARTINEZ
Plaintiff, *pro se*
04-A-3561
Upstate Correctional Facility
PO Box 2001
309 Bare Hill Road
Malone, NY 12953

RANDOLPH F. TREECE, U.S. MAGISTRATE JUDGE

ORDER



E C F D O C U M E N T
I certify that this is a printed
copy of a document which was
electronically filed with the
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK.
LAWRENCE K. BAERMAN, CLERK
Dated: 6/30/05
By: *Lawrence K. Baerman* Deputy Clerk

In accordance with and pursuant to the authority of the provisions of 28 U.S.C. § 636(b) and Rule 72.3(c) of the Local Rules of Practice of this District, the Clerk of the Court has sent to the Court a civil rights Complaint filed by *pro se* Plaintiff Ivan Martinez, who is presently confined at Upstate Correctional Facility. Dkt. No. 1, Compl.

In his *pro se* Complaint, Martinez alleges that the Defendants wrongfully detained and questioned him, and wrongfully issued a fugitive warrant for his arrest which resulted in his extradition to Massachusetts. For a more complete statement of Plaintiff's claims, reference is made to the entire Complaint.

Since the acts complained of herein relate to conduct that allegedly occurred in the State of Massachusetts, this Court hereby transfers the instant action to the District Court for the

District of Massachusetts. *See* 28 U.S.C. § 1404.

This Court makes no ruling as to Plaintiff's *In Forma Pauperis* Application, thereby leaving that determination to the District of Massachusetts.

WHEREFORE, it is hereby

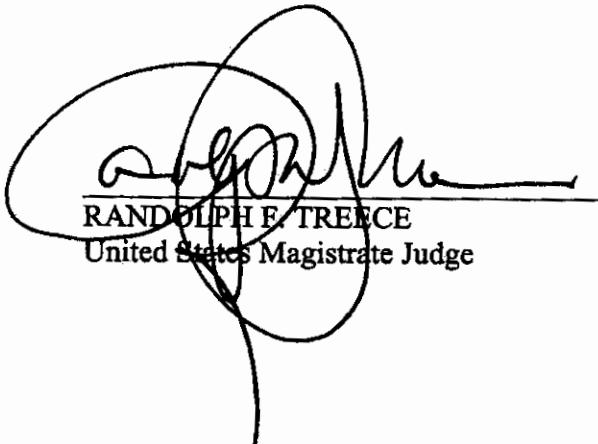
ORDERED, that the Clerk of Court transfer this matter to the United States District Court for the District of Massachusetts pursuant to Local Rule 83.6(a) of the Northern District of New York; and it is further

ORDERED, that the Clerk shall mail to the Clerk of the District of Massachusetts certified copies of this Order, the docket entries in this case, and the originals of all papers on file in this case except for the instant Order. The Court hereby waives the ten (10) day waiting period provided for in Local Rule 83.6; and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff by regular mail.

IT IS SO ORDERED.

Date: June 28, 2005
Albany, New York


RANDOLPH F. TREINCE
United States Magistrate Judge

ADR, CLOSED

U.S. District Court
Northern District of New York [LIVE - Version 2.4]
(Plattsburgh)
CIVIL DOCKET FOR CASE #: 8:05-cv-00687-GLS-RFT

Martinez v. Commonwealth of Massachusetts Date Filed: 06/01/2005
 et al Jury Demand: None
 Assigned to: Judge Gary L. Sharpe Nature of Suit: 440 Civil
 Referred to: Magistrate Judge Randolph F. Rights: Other
 Treece Jurisdiction: Federal Question
 Cause: 42:1983 Civil Rights Act

Plaintiff**Ivan Martinez**represented by **Ivan Martinez**

04-A-3561
 Upstate Correctional Facility
 PO Box 2001
 309 Barehill Road
 Malone, NY 12953
 PRO SE

V.

Defendant**Commonwealth of
Massachusetts****Defendant**

City of Lowell
*Commonwealth of State of
 Massachusetts*

Defendant

Middle Sexx County
Lowell District Masachusetts

Defendant**Lowell Police Department****Defendant****Cambridge Detention
Holding Center****Defendant****Plymouth Detention
Holding Center**

Date Filed	#	Docket Text
06/01/2005	1	COMPLAINT against Commonwealth of Massachusetts, Lowell Police Department, City of Lowell, County of Middle Sexx & Cambridge and Plymouth Detention Holding Centers filed by Ivan Martinez.(mnm) *** Exhibits to Complaint containing numerous pages of criminal history not uploaded *** on file at the Clerk's office and not available for electronic viewing. (Entered: 06/06/2005)
06/01/2005	2	IFP APPLICATION by Ivan Martinez. (mnm) (Entered: 06/06/2005)
06/01/2005	3	INMATE AUTHORIZATION FORM by Ivan Martinez. (mnm) (Entered: 06/06/2005)
06/30/2005	4	ORDER TRANSFERRING CASE : to the District of Massachusetts pursuant to Local Rule 83.6(a) of the Northern District of New York. The Court hereby waives the ten day waiting period provided in the Local Rule. Certified copies of all ECF documents sent to District of Massachusetts Court. {Copy of this Order served upon plaintiff by mail} Signed by Judge Randolph F. Treece on 6/28/05. (jmb) Additional attachment(s) added on 6/30/2005 (jmb,). (Entered:

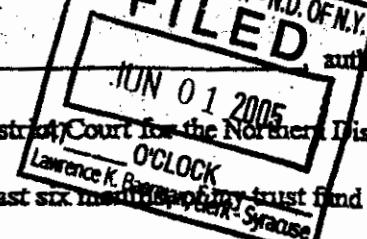
06/30/2005

PACER Service Center			
Transaction Receipt			
07/08/2005 12:44:06			
PACER Login:	us2510	Client Code:	
Description:	Docket Report	Search Criteria:	8:05-cv-00687-GLS-RFT
Billable Pages:	1	Cost:	0.08

INMATE AUTHORIZATION

U.S. DISTRICT COURT - N.D. OF N.Y.

GLS/RFT

I, IVAN MARTINEZ

agency holding me in custody to send to the Clerk of the United States District Court for the Northern District of New York ("Clerk"), at his request, a certified copy of the statements, for the past six months, from my trust fund account (or institutional equivalent) at the institution where I am currently incarcerated.

3

If I have not been incarcerated at my current place of confinement for at least six (6) months, I authorize such agency to provide said Clerk, at his request, with copies of such account statements from the institution(s) in which I had previously been incarcerated.

I further request and authorize the agency holding me in custody to calculate, encumber and/or disburse funds from my trust fund account (or institutional equivalent) in the amounts specified by 28 U.S.C. § 1915(b). This authorization is furnished in connection with the commencement of the civil action submitted herewith (or noted below), and I understand that the total filing fee which I am obligated to pay is \$150.00. I also understand that this fee will be debited from my account regardless of the outcome of my lawsuit. This authorization shall apply to any other agency into whose custody I may be transferred.

→ Signature:

★ NOTE: You must sign your name on the above line. ★

Name and DIN Number:

IVAN MARTINEZ 36105

Civil action number:

05-cv-11446-GAO

Short name of case:

IVAN MARTINEZ

E C F D O C U M E N T

I certify that this is a printed copy of a document which was electronically filed with the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK. LAWRENCE K. BAERMAN, CLERK

Dated: 07/05/05By: Lawrence K. Baerman Deputy Clerk

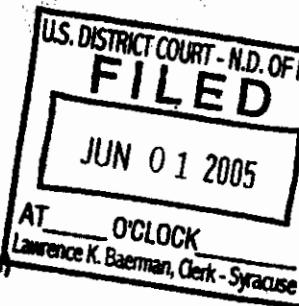
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK GLS/RFT

8:05-CV-687

Plaintiff

v.

Defendant(s),

APPLICATION TO PROCEED
WITHOUT FULL PREPAYMENT OF
FEES; AFFIDAVIT AND
AUTHORIZATION FORM

CASE NUMBER: 2

I, IVAN MARTINEZ declare that I am the (check appropriate box) petitioner/plaintiff/movant other

in the above-entitled proceeding; that in support of my request to proceed without prepayment of fees or costs under 28 USC § 1915 I declare that I am unable to pay the costs of these proceedings and that I am entitled to the relief sought in the complaint/petition/motion.

In support of this application, I answer the following questions under penalty of perjury:

1. Are you currently incarcerated?: Yes No (If "No" go to Part 2)If "Yes" state the place of your incarceration: Upstate Correctional FacilityAre you employed at the institution? Yes NoDo you receive any payment from same? Yes: No

Notice to

Inmates: The Certificate portion of this affidavit must be completed.2. Are you currently employed?: Yes No

a.. If the answer is "Yes" state the amount of your take-home salary or wages and pay period and give the name and address of your employer. Don. (Civilian Cook), Upstate Correctional Facility \$ 30.00 per two wks.

b. If the answer is "No" state the date of your last employment, the amount of your take-home salary or wages and the name and address of your last employer.

3. In the past twelve months have you received any money from any of the following sources?

- a. Business, profession or other self employment Yes No
- b. Rent payments, interest or dividends Yes No
- c. Pensions, annuities or life insurance payments Yes No
- d. Disability or workers compensation payments Yes No
- e. Gifts or inheritances Yes No
- f. Any other sources Yes No

If the answer to any of the above is "Yes" describe each source ~~in detail~~ and state the amount received and what you expect you will continue to receive.

E C F D O C U M E N T

copy of a document which was electronically filed with the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK. LAWRENCE K. BAERMAN, CLERK
Dated: 7/30/05By: Debra J. Becker Deputy ClerkB. Becker

4. Do you have any cash, checking or savings accounts? Yes No
 If "Yes" state the total amount. N/A

5. Do you own any real estate, stocks, bonds, securities, other financial instruments, automobiles or any other assets? Yes No

If "Yes" describe the property and state its value (attach additional sheets as necessary): N/A

6. List the persons who are dependent on you for support, state your relationship to each person and indicate how much you contribute to their support. Christina Martinez wife Nichelle and Dezmone children. Due to my incarceration i can not provide.

I declare under penalty of perjury that the above information is true and correct.

5-20-05

DATE

Barb Hartung

SIGNATURE OF APPLICANT

CERTIFICATE

(Incarcerated applicants only)

(To be completed by appropriate official at the institution of incarceration)

I certify that the applicant named herein has the sum of \$ 220.25 on account to his/her credit at (name of institution) Upstate CF. I further certify that the applicant has the following securities to his/her credit: N/A

I further certify that during the past six months the applicant's average balance was \$ 16.08.

5/23/05

DATE

MDJ

SIGNATURE OF AUTHORIZED OFFICER

Notice to Inmates:

Pursuant to the Federal Court Improvement Act of 1996, Pub.L. No. 104-317, 110 Stat. 3847, as of December 18, 1996, the filing fee for most civil actions was increased from \$120.00 to \$150.00. See *id.* at § 401 (amending 28 U.S.C. § 1914(a)). Also, pursuant to the Prison Litigation Reform Act, Pub.L. No. 104-134, 110 Stat. 1321, inmates are required to pay, over a period of time, the full filing fee.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

U.S. DISTRICT COURT - N.D. OF N.Y.

FILED

JUN 01 2005

IVAN MARTINEZ

Plaintiff(s)

AT 0 O'CLOCK
Lawrence K. Baerman, Clerk - Syracuse

vs.

THE COMMON WEALTH STATE OF MASSACHUSETTS,
LOWELL POLICE DEPARTMENT, THE CITY OF LOWELL,
THE COUNTY OF MIDDLESEX,
CAMBRIDGE AND PLYMOUTH DETENTION HOLDING CENTERS.

Defendant(s)

INMATE
CIVIL
RIGHTS
COMPLAINT
PURSUANT TO
42 U.S.C. § 1983

Civil Case No.: 6:

1

Plaintiff(s) in the above-captioned action, allege(s) as follows:

JURISDICTION

1. This is a civil action seeking relief and/or damages to defend and protect the rights guaranteed by the Constitution of the United States. This action is brought pursuant to 42 U.S.C. § 1983. The Court has jurisdiction over this action pursuant to 28 U.S.C. §§ 1331, 1333(3) and (4) and 2201.

PARTIES

2. Plaintiff: IVAN MARTINEZ
 Address: UPSTATE CORRECTIONAL FACILITY
P.O. BOX 2001, 309 BAREHILL ROAD
MALONE, NEW YORK 12953

Additional Plaintiffs may be added on a separate sheet of paper.

3. a. Defendant: THE COMMON WEALTH STATE OF MASSACHUSETTS
 Official Position: THE STATE OF MASSACHUSETTS

Address: THE SAME AS ABOVE REFERENCED.

Form E (2) (a) . 1

E C F - D O C U M E N T

I certify that this is a printed copy of a document which was electronically filed with the UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF NEW YORK, LAWRENCE K. BAERMAN, CLERK
Dated: 6/30/05

By: Deputy Clerk*Deputy Clerk*

b. Defendant: THE CITY OF LOWELL.

Official Position: THE COMMON WEALTH STATE OF MASSACHUSETTES.

Address: THE SAME AS ABOVE REFERENCED.

c. Defendant: MIDDLE SEX COUNTY LOWELL.

Official Position: LOWELL DISTRICT MASS.

Address: SAME AS ABOVE REFERENCED.

Additional Defendants may be added on a separate sheet of paper.

4.

PLACE OF PRESENT CONFINEMENT

a. Is there a prisoner grievance procedure at this facility?

Yes No

b. If your answer to 4(a) is YES, did you present the facts relating to your complaint in this grievance program? NO BECAUSE THE PLACE OF CONFINEMENT WAS IN MASSACHUSETTES AND NOT HERE IN NEW YORK STATE.

Yes No

If your answer to 4(b) is YES:

(i) What steps did you take? I did not file any Grievance due to the that the arrest and confinement were in Mass State and not here in New York State.

(ii) What was the final result of your grievance?
NO GRIEVANCE FILED.

PAGE 2 OF 1 FORM E2 a.

Defendant. LOWELL POLICE DEPARTMENT

Official Position. Edward F. Davis - SUPER INTENDENT.

Address: LOWELL POLICE DEPARTMENT

50 ARCAD DRIVE

MIDDLE SEXX, COUNTY.01852

If your answer to 4(b) is NO:

Why did you choose to not present the facts relating to your complaint in the prison's grievance program?

No grievance was filed cause the state of incarceration

was in the State of Massachusetts and not New York State.

c. If there is no grievance procedure in your institution, did you complain to prison authorities about the facts alleged in your complaint?

Yes No

In the State of
Massachusetts.

If your answer to 4(c) is YES:

(i) What steps did you take?

Spoke with my Attorney.

(ii) What was the final result regarding your complaint?

No complaint filed while at Cambridge Detention Center.

If your answer to 4(c) is NO:

Why did you choose to not complain about the facts relating to your complaint in such prison?

This Petitioner was not aware of any Grievance program
while Detained at Cambridge.

5.

PREVIOUS LAWSUITS

a. Have you ever filed any other lawsuits in any state and federal court relating to your imprisonment?

Yes No

b. If your answer to 5(a) is YES you must describe any and all lawsuits, currently pending or closed, in the space provided on the next page.

For EACH such lawsuit, provide the following information:

i. Parties to previous lawsuit:

Plaintiffs:

N/A

Defendants:

N/A

ii. Court (if federal court, name District; if state court, name County):

N/A

iii. Docket number: N/A

iv. Name of Judge to whom case was assigned:

N/A

v. Disposition (dismissed? on appeal? still pending?)

N/A

vi. Approximate date of filing prior lawsuit:

N/A

vii. Approximate date of disposition:

N/A

6.

FACTS

Set forth the facts of your case which substantiate your claim of violation of your civil and/or Constitutional rights. List the events in the order they happened, naming defendants involved, dates and places.

Note: You must include allegations of wrongful conduct as to EACH and EVERY defendant in your complaint. (You may use additional sheets as necessary.)

PLEASE SEE NEXT PAGE 2 OF 2.

On 8-17-98 while visiting a family member in Lowell Massachusetts, I Ivan Martinez was driving on merrimack street going to visit my sister inlaw when I was stopped by a Inspector Conroy. He stated that a crime was committed earlier in a vehicle that looked like the one I was driving. Inspector Conroy then asked me if I would voluntarily drive to the Precint cause he wanted to ask me questions concerning the alleged crime at which time I agreed to follow Inspector Conroy to the precinct.

While at the precinct he asked me about a Robbery and a Kidnapping which at this time i told the Inspector I knew nothing about. Inspector Conroy then proceeded to bring a camera to take pictures of me in which, I told him at this time that i do not consent to any pictures of me being taken due to the fact that i have not committed any crime and that for him to do so would be a violation of my constitutional and civil rights. Inspector Conroy then started screaming at me stating that i committed the crime and then proceeded to cuff my hands to a chair. At this moment, I asked the Inspector if he was placing me under arrest and he no; But that he would not uncuff my hands until I confess of committing the alleged crime. I then informed Inspector Conroy again of my rights and reminded him that I came voluntarily to the precinct and answered his questions as to the alleged crimes and that by law he can not detain me against my will by cuffing my hands to a chair. I then told Inspector Conroy that I would not answer any more of his questions with out a Attorney present.

I then proceeded to tell the Inspector to either book me and read me my Miranda Rights and or remove the cuffs. As a result after about 12 hours of being cuffed to a chair, Inspector Conroy then released me on my Insistance concerning his many violations towards me. For the record I would like to infer that I was never arrested for the alleged crimes and due to the threats and illegal actions of forced detainment by Inspector Conroy and the Lowell Police Department, I felt the need to bid my family goodby and return back to New York. It was Three Years later while driving in New York that I was stopped on a routine check on July-26-2001; by a Inspector Ronald J. Colgan of the New York State Troopers. The state trooper proceeded to ask me for my drivers licesence at which at this time I complide and produced. After confermation of my drivers licesense and identity the officer explain that the computer identified me as a Fugitive from Justice from the State of Massachusetts.

I was then taken to the state barracks of Monroe County in upstate New York. Inspector Colgan contacted the Massachusetts State Police and spoke with Inspector Conroy and informed him he had a Individual by the name of Ivan Martinez detained for active Warrant from the State of Massachusetts. Inspector Colgan then proceeded to ask Inspector Conroy of the Mass State Police if he can fax any picture or finger prints of me to identify if indeed i was the person in question they wanted on the Warrant. Inspector Conroy said that they had one and that he would proceed to fax it. As a result of constant insistance by the New York State Police to Massachusetts to fax the needed photo and finger prints none was never sent, but a copy of the Warrant and my New York State File from the N.Y.P.D. This is to infer that this petitioner has never had any criminal history or residence in the State of Massachusetts. This Petitioner would also like to state that i was arrested and booked solely based on the finger prints from the N.Y.P.D and not on any information sent from Massachusetts State.

Inspector Conroy of the Massachusetts State Police then maliciously lied to Inspector Colgan of New York State Troopers saying that i was arrested,booked and brought forth before a Massachusetts Magistrate released on bail to return on a set date by the court. This petitioner would like to state the fact that i was never arrested or brought before any court justice and released until after my extradition to Massachusetts State. As a result of 8 hours waiting in the state barracks in Monroe County for confirmation from Massachusetts, I was then taken to Orange County Jail in upstate New York to await a Extradition Hearing. On the date of August-15-2001, I was extradited to entered and booked at Cambridge Correctional Facility. While at Cambridge i was placed in a maximum security block and was not allowed to inner act with the General Population.

While attending the messhall area, I would then be personaly escorted by 4 correction officers and 1 Administrative Brass and sat away from the General Population as if i were a threat to others. When this petitioner asked of the heavy security placed around me; Correctional Officials stated it is because the nature of the offense pending against me. After about a month at cambrige; I was then transfered to Plymith a privately owned Federal and State jail pending my court apppearance. Their reason for this transfer was that i was a threat to the general population. While awaiting my court apppearance the accuser Ismael Vasquez was sitting in a Berricka Mass Correctional Facility awaiting trial for Robbery, Assault and Rape charges given Bail and Released.

On the date of October-22-2001., I was taken to Lowell District Court and Released due to the fact that the accuser Ismael Vasquez was in the front page of a Massachusetts News Paper for the kidnapping and Murder of two Homeless Teenagers that he tried to force to join his new Gang that he was Creating and Recruiting. Due to this turn of Events on the side of the Prosecution and their so called victim and Accusser being a Gang Leader, Kidnapper, Murderer and Rapist: I was Released and the case Discharged. I would like to infir the fact that upon my Release, I was not put on a Bus back to New York nor was I given any Money or Bus Ticket by the State of Massachusetts to back to New York State. As a result of this, I was left to wonder the streets to find my way to a Port Authority Bus Terminal and begg people for Money to obtain a Bus Ticket back to New York and also to eat. I got sick in the process with a cold because I did not have any clothing but a Summer T-Shirt to keep warm in as to my arrest occurred in the Summer Time. Due to the stress and trauma inflicted upon me by the COMMON WEALTH STATE OF MASSACHUSETTES, I IVAN MARTINEZ file this Claim to be served to the LOWELL POLICE

DEPARTMENT, THE CITY OF LOWELL, THE COUNTY OF MIDDLE SEXX, AND THE COMMON WEALTH STATE OF MASSACHUSETTES, To be held Liable under penalty of Law for the sum of 10,000,000 Million Dollars for Pain and Suffering, Mental Duress, Cruel and Unusual Punishment False Imprisonment and Defamation of Character.

7.

CAUSES OF ACTION

Note: You must clearly state each cause of action you assert in this lawsuit.

FIRST CAUSE OF ACTION

That on 8-17-98, I was wrongly accused of armed robbery, kidnapping, a/b with
a dangerous weapon by a convicted felon Ismael Vasquez who at the time was sitting
in a Massachusetts Barrica Jail for Rape, Assault, and later Homocide. please see
Exhibit -A- Ismael Vasquez Criminal History.

SECOND CAUSE OF ACTION

That on 8-17-98 my constitutional rights were violated when i was stoped by detective
conroy of the Lowell Police Department and asked to go to the precinct to answer questions concerning
a alleged kidnapping and instead was hand cuffed to a chair for 12 hours.

THIRD CAUSE OF ACTION

That on 7-26-2001, I was illegally detained and extradited to the Commonwealth
State of Massachusetts for the crimes of kidnapping, armed robbery and assault then three and
a half months later released due to the accusers murder case pending.

8. Plaintiff(s) de...and(s) a trial by

Jury -or- Court

(Circle only one).

9. PRAYER FOR RELIEF

WHEREFORE, plaintiff(s) request(s) that this Court grant the following relief:

Due to the fact that the state of Massachussettes is a coprte entity that channels

monies to all branches of law enforcement agencies this petitioner ask that all mentioned
state,districts,counts, and Lowell Police Department be held accountable for wrongful
misconduct for the sum of 10,000,000 million dollars based on the stress and trauma

inflicted upon me of trauma,mental anguish,mental duress,cruel and unusual punishment,
unlawful imprisonment and defamation of character.

I declare under penalty of perjury that the foregoing is true and correct.

DATED: 5-20-05

Joan M. Antong

Signature of Plaintiff(s)
(all Plaintiffs must sign)

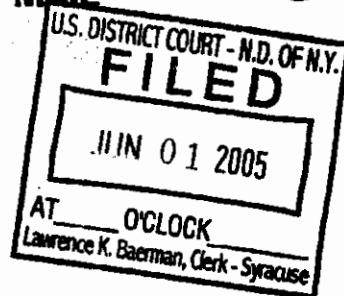
8:05-CV-687

GLS/RFT

AFFIDAVIT OF SERVICE BY MAIL

State of New York

ss:

County of FRANKLIN

I, IVAN MARTINEZ, being duly sworn, deposes and says: that I am the plaintiff herein and served a copy of the following document(s):

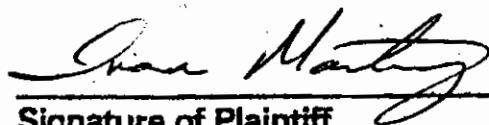
Police reports, warrant bullitent, court procd. (Specify document(s))
 on OFFICE OF THE CLERK, UNITED STATES DISTRICT COURT. (Name of person/Addresssee)
 at: JAMES HANLEY FEDERAL BUILDING (Address to which
100 SOUTH CLINTON STREET document(s) were sent)
SYRACUSE, NEW YORK, 13261-7367.

by mailing and depositing a true and correct copy of said document(s) in a mailbox located at: P.O BOX 2001, 309 BAREHILL ROAD
MALONE, NEW YORK 12953.

on the following date: 5-20-2005.

I declare under penalty of perjury that the foregoing is true and correct.

DATED:



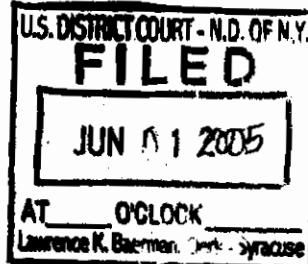
Signature of Plaintiff

Sworn to before me this 20th day of May, 2005, 1999.

J. Boyea
 Notary Public

TRUDY-LYNN A. BOYE
 Notary Public, State of New York
 Reg. # 01FA4979853
 Qualified in Franklin County
 Commission Expires April 8, 2001

FORM I (1)

8:05-CV-687
GLS/RFTAFFIDAVIT OF SERVICE

STATE OF NEW YORK)

COUNTY OF FRANKLIN)Ss:IVAN MARTINEZ being duly sworn, deposes and says:

I am the claimant in the enclosed action.

I have on this 20 day of MAY 2005. Placed and submitted within the institutional mailbox located at:P.O. BOX 2001, 309 BAREHILL ROADMALONE, NEW YORK 12953

The following:

**RE: 1983 CLAIM, POLICE REPORTS, COURT PROCEEDINGS
EXTRADITION PAPERS, CRIMINAL HISTORY OF ACCUSER
BOOKING FILE TO MASSACHUSETTES DETENTION CENTER.**

To be mailed and delivered via the United States Postal Service upon the following:

Ivan Martinez
x _____

pro se

Sworn to before me this 20th Day
of May, 2005

T. Boyea
Notary Public

TRUDY-LYNN A. BOYEA
Notary Public, State of New York
Reg. # 01FA4979853
Qualified in Franklin County
Commission Expires April 8, 2001